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WASHINGTON
FOIA
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CIA Deputy Director John McMahon told Congress Wednesday the Freedom of Information Act has cost the agency the use of potential foreign spies who fear the agency will be forced to reveal their identities.

McMahon testified in favor of a bill that would exclude from the freedom of information process only the so-called operational files of the CIA -- those dealing with current operations -- but would still allow citizens to request information from all other CIA files.

"Foreign agents, some very important, have either refused to accept or have terminated a relationship on the grounds ... the CIA is no longer able to absolutely guarantee that they can be protected," McMahon told a House Intelligence subcommittee.

"The FOIA also has had a negative effect on our relationships with foreign intelligence services," he said. "Our stations overseas continue to report consternation over what is seen as a potential legal requirement to disclose information entrusted to us."

A similar bill was approved by the Senate late last year and McMahon said, "The exclusion ... of operational files will send a clear signal to our sources and to those we hope to recruit that the information which puts them at risk will no longer be subject to the process."

An American Civil Liberties Union representative told the subcommittee the group may support the legislation drafted by the intelligence committee.

ACLU spokesman Mark Lynch said the bill represents "an important step forward in balancing the interests of the CIA and the interests of the public in appropriately applying the principles of the FOIA to the agency."

"Our position continues to be that if this legislation will not result in the loss of information now available under the FOIA, and if it will result in the improved processing of requests, the ACLU will support it," Lynch said.